THE HON'BLE Ms. JUSTICE G. ROHINI

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WRIT PETITION NO.10153 OF 2001

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DATED: 13TH SEPTEMBER, 2005.

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Between:

M/s. Lingaraj Supply Agency, N-2/106, IRC Village,

Nayapali, Bhubaneswar rep. by its Proprietor

Dinesh Kumar Agarwal, S/o. Late Rosanlal Agarawal,

Aged 38 years, R/o. Bhubaneswar, Orissa State. … Petitioner

And

1. The Commissioner of Prohibition & Excise,

A.P., Hyderabad and seven others … Respondents

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ORDER :

This writ petition is filed seeking a declaration that the action of the respondents in insisting upon taking an Escort of Excise Constable with each Tanker Lorry transporting Molasses by the petitioner as arbitrary and illegal.

While directing Rule Nisi, this Court in W.P.M.P.No.12711 of 2001 granted interim order on 22-5-2001 directing the official respondents 1 to 6 to issue Transport Permits for transportation of Molasses from the respondent Nos. 7 and 8 to its factory and within and outside the State of Andhra Pradesh, without insisting upon production of No Objection Certificate pending the writ petition.

When the matter is taken up for consideration, it is represented by the learned Counsel for the petitioner that the issue involved in this writ petition is squarely covered by a decision of the Division Bench of this Court in SHRI KRISHNA PASU AAHAR BHANUPURI vs. COMMR. OF PROHIBITION AND EXCISE wherein it was held that the State Government cannot place any restrictions either in the sale, storage, purchase or transportation either within the State of Andhra Pradesh or outside the State. It is also stated that following the said decision, a batch of writ petitions were allowed.

The learned Government Pleader appearing for the official respondents does not dispute the said fact.

Accordingly, the Writ Petition is disposed of in terms of the order of the Division Bench in 1998 (1) ALT 803 (D.B.). No costs.

13th September, 2005.

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